

**UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA**

Charles A. Shoemake,

Civil No. 08-6290 (DWF/JJK)

Petitioner,

v.

**ORDER**

The State of Minnesota,

Respondent.

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Charles A. Shoemake, *Pro Se*, Petitioner.

Leslie E. Beiers, St. Louis County Attorney, counsel for Respondent.

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The above matter comes before the Court upon the Report and Recommendation of United States Magistrate Judge Jeffrey J. Keyes dated March 31, 2009. No objections have been filed to that Report and Recommendation in the time period permitted.

Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that:

1. Respondent's Motion to Dismiss Petitioner's Writ of Habeas Corpus (Doc. No. 6) is **GRANTED**.

2. The Amended Petition under 28 U.S.C. § 2254 for Writ of Habeas Corpus by a Person in State Custody (Doc. No. 16) is **DISMISSED WITHOUT PREJUDICE**.  
**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated: May 13, 2009

s/Donovan W. Frank  
DONOVAN W. FRANK  
Judge of United States District Court